

Serial No.: 09/926,494  
Atty. Docket No.: P67265US0

### **REMARKS**

The Final Office Action mailed March 2, 2004, has been carefully reviewed and Applicants note with appreciation the identification of allowed subject matter.

By this Amendment, claims 4, 7, 9-14, 18, 20, 22, 26, and 28-30 have been amended, claims 1-3, 5, 6, 8 and 25 have been canceled and new claims 35-41 have been added. Thus, claims 4, 7, 9-22, 26-30 and 33-41 are pending in the application. Claims 33, 35 and 41 are in independent form.

The Examiner objected to the drawings as containing reference signs not mentioned in the specification. Applicants have herein amended the specification to include the reference signs indicated in Figures 3A and 3B. No new matter has been added.

Under 35 U.S.C. 103(a), the Examiner has rejected claims 1-17, 20-22, 25, 26 and 28-30 as being unpatentable over WO 98/25313 to Barnes et al. ("Barnes"), and has further rejected claims 1, 18 and 19 as being unpatentable over WO 98/25314 to Joannopoulos et al., ("Joannopoulos"), and claim 27 as being unpatentable over Barnes in view of U.S. Patent No. 6,060,826 to Ueda et al. Claims 33 and 34 are allowed.

New claim 35, which is being presented in replacement of canceled claim 1, generally corresponds with allowed claim 33, but with some broadening thereof to encompass alternative structures on a component level that would be equivalent in practice. Specifically, claim 35 is directed to a light-emitting diode (LED) comprising a plurality of layers overlying a transparent substrate; it is not essential that this substrate be glass as other transparent substrates

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could also be used. The substrate includes a corrugated surface forming a grating. Such grating could be etched directly into the substrate such that the corrugated "layer" is included as part of the substrate without the need for an additional photoresist layer. In view of the Examiner's statement of reasons for allowance, Applicants submit claim 35 as yet presenting the combination of limitations identified by the Examiner and substantially corresponding with those set forth in claim 33, and therefore as allowable. Accordingly, favorable consideration and allowance of new claim 35 is therefore respectfully requested. Claims 4, 7, 9-14, 18, 20 and 22, formerly dependent on claim 1, have been amended to depend from claim 35 and are therefore in condition for allowance as claims properly dependent on an allowable base claim.

New claim 41 presents the method corresponding with device claim 35 and is being presented in replacement of method claim 25, now canceled. Claim 41 is believed to be in condition for allowance for the same reasons as claims 33 and 35, and favorable consideration thereof is requested. Claims 26 and 28, formerly dependent on claim 25, have been amended to depend from claim 41 and are therefore in condition for allowance as claims properly dependent on an allowable base claim.

In summary, neither Barnes nor Joannopoulos disclose an LED, or a method of fabricating an LED, having a substrate with a corrugated surface and the specified layered structure disposed thereon, as set forth in new claims 35 and 41, and in correspondence with allowed claim 33. The structure as claimed by the present invention provides a device which is

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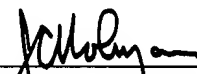
easy to manufacture, has excellent operational properties, and enables provision of the necessary radiative coupling, all in a manner not shown or suggested by the prior art.

No new issues being raised herein and the amendments correcting informalities and placing the application into condition for allowance, entry of the foregoing Amendment is proper after Final Action and is respectfully requested.

Should the Examiner have any questions after reviewing this Amendment, the Examiner is cordially invited to telephone the undersigned attorneys so that a prompt Notice of Allowance may be received.

Respectfully submitted,

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